



Attorney Docket No.: 0492611-0545/MIT9277 CONII

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Seleznev, *et al* Examiner: Cooke  
Serial No.: 10/799,388 Art Unit: 1754  
Filing Date: March 12, 2004  
Title: VACUUM PROCESSING FOR FABRICATION OF SUPERCONDUCTING THIN FILMS FABRICATED BY METAL-ORGANIC PROCESSING

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**DECLARATION UNDER 37 C.F.R. 1.132**

I, Valarie B. Rosen, declare as follows:

1. I am an attorney of record in United States Patent Application Serial No. 10/799,388 filed March 12, 2004, and entitled "Vacuum Processing For Fabrication Of Superconducting Thin Films Fabricated By Metal-Organic Processing". This application claims priority to U.S. Patent Application No. 10/194,561 ("the '561 application") filed July 13, 2002, and to United States provisional patent application Serial No. 60/305,407, filed on July 13, 2001. My registration number is 45,698.

2. This Declaration is presented for the purpose of establishing the date of publication of by Solovyov, et al., entitled " *Ex-situ* Post-deposition Processing for Large Area  $Y_1Ba_2Cu_3O_7$  Films and Coated Tapes", IEEE Transactions on Applied Superconductivity, 11(1) 2939-2942 (2001) (hereinafter, "Solovyov").

3. On October 21, 2003, the Patent Office forwarded me an Office Action regarding the '561 application and including rejections over Solovyov.

4. In the course of preparing a Response under 37 C.F.R. § 1.111 to the Office Action, I investigated the date of publication of Solovyov. As part of that investigation, I wrote an electronic mail message to Jacqueline Hansson of the IEEE Intellectual Property Rights Office. The IEEE publishes the journal in which Solovyov appeared. Exhibit A is a copy of that message.

5. Exhibit B is a copy of Ms. Hansson's reply to my message, indicating that the publication date of the edition of the IEEE Transactions on Applied Superconductivity in which Solovyov appeared was April 24, 2001.

6. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patents issued thereon.

Valarie B. Rosen

Valarie B. Rosen

May 2, 2005

Date

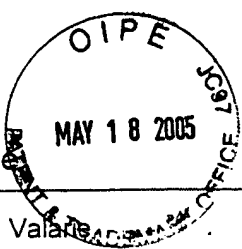


Exhibit A

Rosen, Valarie

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**From:** Rosen, Valarie  
**Sent:** Friday, January 30, 2004 2:09 PM  
**To:** 'j.hansson@ieee.org'  
**Subject:** Publication Information

Ms. Hansson,

Thank you for speaking with me this afternoon. Could you please reply to this message with the publication date of the March 2001 issue of the IEEE Transactions on Applied Superconductivity (Volume 11, No. 1)

Thank you very much.

Valarie

Valarie B. Rosen, Ph.D.  
Choate, Hall & Stewart  
Exchange Place  
Boston, MA 02109  
617-248-4061  
fax 617-248-5000

Rosen, Valarie

Exhibit B

From: j.hansson@ieee.org  
Sent: Wednesday, February 04, 2004 9:34 AM  
To: Rosen, Valarie  
Subject: Re: Publication Information

Dr. Valerie Rosen  
Choate, Hall & Stewart

SUBJECT: IEEE Transactions On Applied Superconductivity, March 2001, Volume 11, No. 1

Dear Dr. Rosen:

This is in response to your letter of 30 January 2004. According to our records the above IEEE publication was first published by the IEEE in print form on or about 24 April 2001

As a matter of policy, the IEEE will attempt, to the extent reasonably possible, to respond to such requests based on its available records. However, the IEEE makes no representation that its records accurately reflect first publication date information for legal purposes, and it is the duty of the individuals requesting such information to independently verify such information.

Please contact the undersigned if you have any additional questions.

Sincerely yours,

Jacqueline Hansson  
IEEE Intellectual Property Rights Office  
445 Hoes Lane  
Piscataway, NJ 08855-1331 USA  
+1 732 562 3828 (phone)  
+1 732 981 8062 (fax)  
e-mail: j.hansson@ieee.org

"Rosen, Valarie"  
<VRosen@choate.com>

To: <j.hansson@ieee.org>  
cc:  
Subject: Publication Information

01/30/2004 02:09  
PM

Ms. Hansson,

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Valarie

Valarie B. Rosen, Ph.D.  
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